



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

SUSAN CORBIN
DIRECTOR

EMPLOYMENT RELATIONS COMMISSION MEETING OF JULY 11, 2023 APPROVED MINUTES

In accordance with the Open Meetings Act 1976 PA 267, as amended, the Michigan Employment Relations Commission met on Tuesday, July 11, 2023. The meeting was held at Cadillac Place, 3026 W. Grand Boulevard, Suite 2-750, Conference Room E, Detroit, Michigan 48202, and also livestreamed via Zoom Conferencing program.

CALL TO ORDER

Commission Chair Tinamarie Pappas called the meeting to order at 10:00 a.m.

ROLL CALL

Members Present: Tinamarie Pappas, Commission Chair
William F. Young, Commission Member
Robert L. Chiaravalli, Commission Member

Staff Present: Sidney McBride, Bureau Director
Lynn Morison, Administrative Law Examiner (virtual)
Carl Wexel, Administrative Law Specialist
Micki Czerniak, Labor Mediator (virtual)
Deborah Stewart, Senior Executive Management Asst. (virtual)
Ashley Rahrig, Department Analyst (virtual)
Alec Scarlet, End User Support Analyst

Virtual Public Attendees: 7

In-Person Public Attendees: 1

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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APPROVAL OF AGENDA

MOTION by Young, seconded by Chiaravalli, to adopt the proposed agenda as presented.

A vote was held: Yeas – Pappas, Young, Chiaravalli
 Nays – None
 MOTION CARRIED

APPROVAL OF MINUTES

MOTION by Young, seconded by Chiaravalli, to approve the proposed minutes of the regular MERC monthly meeting of June 13, 2023, as submitted.

A vote was held Yeas – Pappas, Young, Chiaravalli
 Nays – None
 MOTION CARRIED

DIRECTOR'S REPORT

Report summaries as of June 30, 2023, were as follows:

- MOAHR ALJ Reports: ALJ reports were not available.
- Appellate Report: During June 2023, 4 MERC cases were on appeal with 3 before the Michigan Court of Appeals and 1 before the Michigan Supreme Court. No appellate decisions were issued. Commission Chair Pappas noted that the Court of Appeals recently held oral argument in the case of Kalamazoo Education Association and Kalamazoo Public Schools, MERC Case No. 21-G-1465-CU.
- MERC Cases in Commission Review: 10 cases were on the monthly report with 4 decisions already issued, 1 set for Commission action today, 5 files pending the record close date, and 1 tentatively scheduled for action at the August meeting.

The next group of reports relate to the monthly activity for various case types within the agency during June 30, 2023. In sum—

- Election Certifications and Trends: The agency conducted 2 elections and issued 7 certifications of representatives that covered 187 employee positions. One case was submitted to voluntary mediation and one unit clarification case was referred to MOAHR.
- ULP Trends: During the month, 5 ULP files were referred to the ALJs, 4 cases submitted to voluntary mediation, 4 Decision and Recommended Orders issued by the ALJs, 16 files returned to MERC from the ALJs, 4 default decisions issued where no exceptions were filed.
- Mediation Trends and Monthly Activity: During June 2023, 83 mediation conferences were held by MERC Labor Mediators with 51 being held in-person and 32 held virtually. There were 41 case closings during the month.

- New MERC Case Initiations: A total of 120 new cases were initiated during June 2023 that comprised of 17 grievance mediation requests, 4 grievance arbitration appointment requests, 78 contract bargaining notices, 11 election petitions, 9 ULP charges and 1 work stoppage.
- Contract Cases in Hearing Stage: During June 2023, 19 contract bargaining cases were in the hearing stage with 7 in Fact Finding and 12 in Act 312 Arbitration. Seven cases closed (4 Act 312 and 3 Fact Finding) with 3 Act 312 awards issued during the month.

ADMINISTRATIVE AGENDA

1. Bureau Director's Updates:

Director McBride noted the following:

- a. Monthly Hearing Calendar: There were 14 ULP cases adjourned; 2 cancelled and 3 hearings held.
- b. Panel Application—Grievance Arbitration: Brad Areheart: After preliminary discussion on the application and supporting materials, it was moved by Young and seconded by Chiaravalli to approve the application of Professor Bradley Areheart to be added to the MERC Panel of Grievance Arbitrators.

A vote was held: Yeas – Pappas, Young, Chiaravalli
 Nays – None
 MOTION CARRIED.

Miscellaneous:

- c. U of M and the ATF (GEO) negotiations: Director McBride provided an update to the Commission. The parties stipulated to Fact Finder Mark Glazer who has scheduled two virtual hearing dates in July and set August 15, 2023 as the deadline for filing post-hearing briefs.
 - d. Act 312/Fact Finding Training: Director McBride stated that a training has not been held since September 2019. Training is being planned for November 2023 using a virtual format over two partial days which should be more convenient for panel members to participate.
2. The next regular meeting of the Commission was confirmed for **Tuesday, August 15, 2023**, at 10:00 a.m. at Detroit Cadillac Place in 2nd Floor Annex in Conference Room E. It was moved by Young and seconded by Chiaravalli to approve the meeting date and time.

A vote was held: Yeas – Pappas, Young, Chiaravalli
Nays – None
MOTION CARRIED.

DECISIONAL AGENDA

Detroit Public Schools Community District and L.C. Bulger, Case No. 21-C-0538-CE.

Commission Chair Pappas provided a brief summary of the case as it returns to the Commission following remand to the ALJ. It was moved by Young and seconded by Chiaravalli to adopt the ALJ's Supplemental Decision and Recommended Order.

A vote was held: Yeas – Pappas, Young, Chiaravalli
Nays – None
MOTION CARRIED

TENTATIVE DECISIONAL AGENDA FOR NEXT MEETING

Police Officers Association of Michigan and Todd Hatfield, Case No. CU18-C-005 (Remand)

NEW BUSINESS None.

OLD BUSINESS None

PUBLIC COMMENT None.

ADJOURNMENT

There being no further business before the Commission at this time, Commissioner Young moved to adjourn the meeting and seconded by Chiaravalli that the meeting be adjourned at 10:20 a.m.

A vote was held: Yeas – Pappas, Young, Chiaravalli
Nays – None
MOTION CARRIED